

REMARKS

Reconsideration of the present application as amended is respectfully requested.

In the Office Action, claims 1-38 were rejected under 35 U.S.C. §102(a) as being anticipated by International Publication No. WO 00/54187 referred by the Examiner as Franco. In response, independent claims 1, 10, 16, 22 and 30 have been amended for clarification. Further, claims 24 and 32 have been cancelled without prejudice, and claims 18, 21, 29 and 36 have been amended for conformance with the amended independent claims 1, 10, 16, 22 and 30. It is respectfully submitted that claims 1-23, 25-29, 31-35 and 37-38 are patentable over Franco for at least the following reasons.

Franco is directed to a universal music player including a virtual player that emulates a CD player. The Franco player has a playback activator:

which selects playback software appropriate for the loaded file's format, (emphasis added)

as recited throughout Franco, such as on page 26, lines 12-13. See

also page 4, lines 11-12; page 35, line 20; page 36, lines 11 and 25; page 37, line 7, as well as page 15, lines 3-4, which recite:

A playback activator 513 (Fig. 1) selects and activates a playback system 515 the user has in resident memory which is appropriate for the file format of the particular selection about to be played. (Emphasis added)

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 10, 16, 22 and 30, requires:

data which is converted to a format compatible with the application by at least one of said local server and said web-server. (Emphasis added)


Converting data to a compatible format is nowhere taught or suggested in Franco. Rather, Franco selects a software appropriate for the format. Accordingly, it is respectfully submitted that independent claims 1, 10, 16, 22 and 30 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-9, 11-15, 17-21, 23, 25-29, 31 and 33-38 should also be allowed at least based on dependence from independent claims 1, 10, 16, 22 and 30, as well as for the separately patentable elements contained in each of the dependent

claims.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Applicants reserve the right to submit further arguments in support of the above stated position as well as the right to introduce relevant secondary considerations including long-felt but unresolved needs in the industry, failed attempts by others to invent the invention, and the like, should that become necessary.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By   
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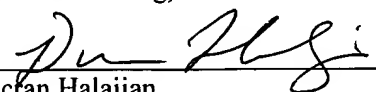
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